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**JOHN D. HEFFNER, PLLC**

1920 N ST., N.W.

SUITE 800

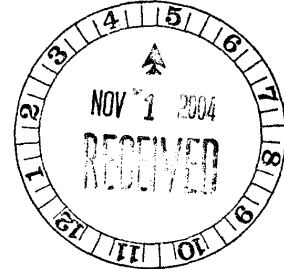
WASHINGTON, D.C. 20036

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ORIGINAL



BY HAND

November 1, 2004

Hon. Vernon A. Williams  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

**RE: 34606, Forty Plus Foundation/Manhattan  
Railway Systems, LLC-Feeder Application**

Dear Mr. Williams:

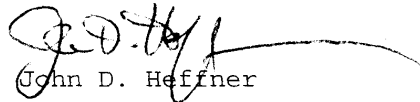
I am writing on behalf of New York Cross Harbor Railroad Co.  
("NYCH") in connection with the above-captioned proceeding.

Thursday, I faxed the Board a letter regarding a Notice of  
Intent to submit a Feeder Application filed by a group calling  
itself the Forty Plus Foundation/Manhattan Railway Systems, LLC.  
In that filing, the applicant alleges that it is affiliated with  
NYCH. That statement is patently false. NYCH has no involvement  
with them and does not endorse their application.

I am enclosing with this filing a letter from NYCH's  
Executive Vice President Donald Hutton stating that there is no  
affiliation between NYCH and the feeder applicant. NYCH's  
requests that the Board dismiss this filing as misleading and  
inaccurate.

Please date stamp and return one copy of this letter.

Sincerely yours,

  
John D. Heffner

cc: David Konschnik, Esq.  
Mr. Wayne Eastman  
Mr. Tomislav R. Neuman

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Public Record

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BY FAX  
565-9002

October 28, 2004

Hon. Vernon A. Williams  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

**RE: 34606, Forty Plus Foundation/Manhattan  
Railway Systems, LLC-Feeder Application**

Dear Mr. Williams:

I am writing on behalf of New York Cross Harbor Railroad Co. ("NYCH") in connection with the above-captioned proceeding.

Today, it has come to my attention that a group calling itself Manhattan Railway Systems, LLC, has filed a Feeder Application in connection with the former Conrail "Hi Line" along the West Side of Manhattan. In that document, the applicant alleges that it is affiliated with NYCH. That statement is patently false. NYCH has no involvement with them and does not endorse their application.

Tomorrow, I will submit a letter from NYCH's management disassociating itself from Manhattan Railway Systems, Inc. I appreciate your attention to this matter.

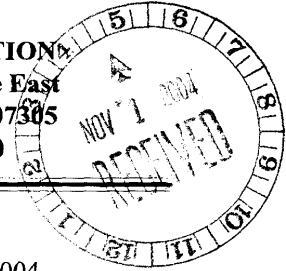
Sincerely yours,

John D. Heffner

cc: David Konschnik, Esq.  
Mr. Wayne Eastman

**NEW YORK CROSS HARBOR TERMINAL RAILROAD CORPORATION**  
4302 1 St Avenue  
Brooklyn, NY 11232  
718-747-0434

6 Linden Avenue East  
Jersey City, NJ 07305  
201-433-0360



October 28, 2004

Hon. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

**RE: FD No. 34606, Forty Plus Foundation/Manhattan Railway Systems, L.L.C.  
Feeder Line Application**

Dear Mr. Williams:

I am writing in my position as Executive Vice President of New York Cross Harbor Railroad ("NYCH"), a class III short line railroad serving the New York Metropolitan Area.

Yesterday, NYCH's Washington attorney informed me and my fellow corporate officers that group calling itself "Manhattan Railway Systems, L.L.C.", had filed a Notice of Intent to file a "Feeder Application" with the Board. To my astonishment, NYCH's attorney advised me that this Applicant represented to the Board that "it is affiliated with NY York Cross Harbor Railroad, Inc." My purpose in writing is to advise you that Applicant's representations are totally false. NYCH is not affiliated in anyway with Forty Plus Foundation or Manhattan Railway Systems and does not endorse or take any position with regard to its application. I have instructed our attorney to send applicant a letter advising them to delete all references to NYCH from their application. A copy of two relevant pages of the application attesting to the alleged affiliation with NYCH is enclosed for your reference.

I appreciate your attention to this matter.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Donald Hutton'.

Donald Hutton  
Executive Vice President  
Government Affairs / Board Member

Cc: John D. Heffner, Esq.  
Mr. Wayne Eastman

NOTICE OF INTENT TO FILE FEEDER RAILROAD DEVELOPMENT APPLICATION  
BEFORE THE  
SURFACE TRANSPORTATION BOARD



Docket No. FD 34606

CHELSEA PROPERTY OWNERS - ABANDONMENT - PORTION OF THE CONSOLIDATED  
RAIL CORPORATION'S WEST 30<sup>th</sup> STREET SECONDARY TRACK  
IN NEW YORK, NY

NOTICE OF INTENT TO FILE  
FEEDER RAILROAD DEVELOPMENT APPLICATION

ENTERED  
Office of Proceedings

OCT 18 2004

Part of  
Public Record

FORTY PLUS FOUNDATION &  
MANHATTAN CENTRAL RAILWAY SYSTEMS, LLC  
*Tomislav R. Neuman,*  
*Executive Director*  
7 MONMOUTH ROAD  
SUITE #1  
OAKHURST, NJ 07756  
TEL: (732) 222-4327  
FAX: (732) 222-4758  
E-MAIL: tomislavneuman@aol.com

Dated: October 26, 2004

NOTICE OF INTENT TO FILE FEEDER RAILROAD DEVELOPMENT APPLICATION  
(iii) A description of applicants affiliation with any railroad;

MCRS as a *Class III Shortline railroad* is affiliated with NY CROSS HARBOR RAILROAD, INC. ("NYCH"). New York City's "other" Class III Shortline Railroad Company, which conducts the business of operating the last remaining "float bridge" rail operations in the NY/NJ region, -- which is part of the national railroad system and holds a SURFACE TRANSPORTATION BOARD certificate of convenience and necessity for the movement of rail freight by rail barge across New York Harbor. NYCH is uniquely qualified to participate in our co-operative with APPLICANT.

NYCH originally formed in 1901 as the NEW YORK DOCK RAILWAY, CO., at 103 years old is New York Cities oldest continually operating Class III Shortline Railroad. NYCH management is one of the foremost authorities on Shortlines in the NYC market. NYCH operates from its Greenville Terminal Yard in Jersey City, NJ and Bush Terminal Yard in Brooklyn, NY, on the West Side of New York Harbor. NYCH exchanges (interchanges) rail cars with the CANADIAN PACIFIC ("CP"), CSX TRANSPORTATION ("CSX") and NORFOLK SOUTHERN ("NS") railroads at CONRAIL Shared Assets Operations ("CSAO") Oak Island interchange yard, NJ. On the East Side of New York Harbor, NYCH interchanges rail cars with CP and the NEW YORK AND ATLANTIC RAILROAD ("NYA") at Bayridge Junction interchange yard, Brooklyn, NY. The NYCH is the result of a consolidation of two Brooklyn waterfront railways. The NEW YORK DOCK RAILWAYS and the BROOKLYN EASTERN DISTRICT TERMINAL (BEDT) merged in 1983 to create NYCH. Although there were once dozens of carfloat bridges along the Brooklyn coast, today only NYCH remains in service. NYCH also moves a major percentage of the nation's cocoa by floating it from the Brooklyn shipping ports to the mainland. NYCH also delivers carfloats to various docks around the Brooklyn port area.

NOTICE OF INTENT TO FILE FEEDER RAILROAD DEVELOPMENT APPLICATION

NYCH management is an acknowledged NY Rail Freight industry authority and possesses the extraordinary knowledge and awareness of both the NYC market, the *HIGHLINE* and all relevant intermodal technology and rail connections – this symbiotic relationship is a superlative collaboration of management, marketing, community involvement and technology. NYCH, as a local enterprise is particularly sensitive to the local community needs and intends to provide MCRS with support and guidance to both grow and prosper, as APPLICANT provides New York City with an efficient expanded and vital rail freight link to the North American rail system maintaining and improving the *HIGHLINE*'s connection to the National Rail System. In light of present day concerns over security and the escalating expense of fuel, dramatically increasing cost to shippers plus the growing environmental damage contributed by the trucking industry, NYCH and MCRS will be offering shipper's one more secure, cost efficient and environmentally sensitive competitive shipping amenity.

And

- (iv) **If the applicant is a corporation, the names and addresses of its officers and directors:**

The officers and directors of MCRS are as follows:

Tomislav R. Neuman	Director: President
Leonard Blacovitch	Director: Treasurer
James McEnroe	Director: Secretary

MAILING ADDRESS:

**FORTY PLUS FOUNDATION/MCRS**

7 Monmouth Road

Suite 1

Oakhurst, NJ 07755

Phone: (732) 222-4327

Facsimile: (732) 222-4758

Email: [tomislavneuman@aol.com](mailto:tomislavneuman@aol.com)